



July 11, 2002

Ms. Marlene H. Dortch  
Federal Communications Commission  
445 12th Street, S.W., Room 1-A836  
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation in CC Docket Nos. 96-98, 98-147, 02-33

Dear Ms. Dortch:

Pursuant to Sections 1.1206(b)(2) of the Commission's Rules, this letter is to provide notice in the above-captioned docketed proceedings of an *ex parte* meeting on June 20 by John Windhausen and Jonathan Askin of the Association for Local Telecommunications Services and Russell Frisby and Carol Ann Bischoff of CompTel with Commissioner Copps and Jordan Goldstein. During the meeting, the parties generally discussed CLEC concerns regarding the above-captioned proceedings and the potential consequences of the DC Circuit's recent decision in *USTA v. FCC*. The parties stressed the need for the FCC to seek Supreme Court review of the DC Circuit opinion. The parties emphasized the need for the FCC to preserve the ILECs' unbundling obligations and the potential setbacks to competition and broadband deployment if the FCC were to disrupt the pro-competitive framework established by the Telecom Act and the FCC and state implementing rules.

With regard to the request that the FCC seek Supreme Court review of the UNE Remand/Line Sharing Decision (*USTA v. FCC*), the parties noted that the Appeals Court failed to give sufficient deference to the FCC which could jeopardize the FCC's regulatory authority in every area subject to FCC jurisdiction. Furthermore, the parties noted that the list of unbundled network elements is the bedrock foundation of local competition policy. Without a definitive statement from the Supreme Court, the list of unbundled network elements is going to be unstable, and subject to conflicting court decisions, for years. The industry needs judicial certainty.

The parties stressed that the FCC must preserve the broad and flexible UNE regime. The parties also noted that the FCC must adopt and enforce metrics for special access and UNE provisioning in order to stop ILEC anticompetitive provisioning practices and ensure that consumers have a fair choice among competing services.

If you have any questions about this matter, please contact me at 202-969-2587.

Respectfully submitted,

/s/

Jonathan Askin

**FROM THE DESK OF:**  
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